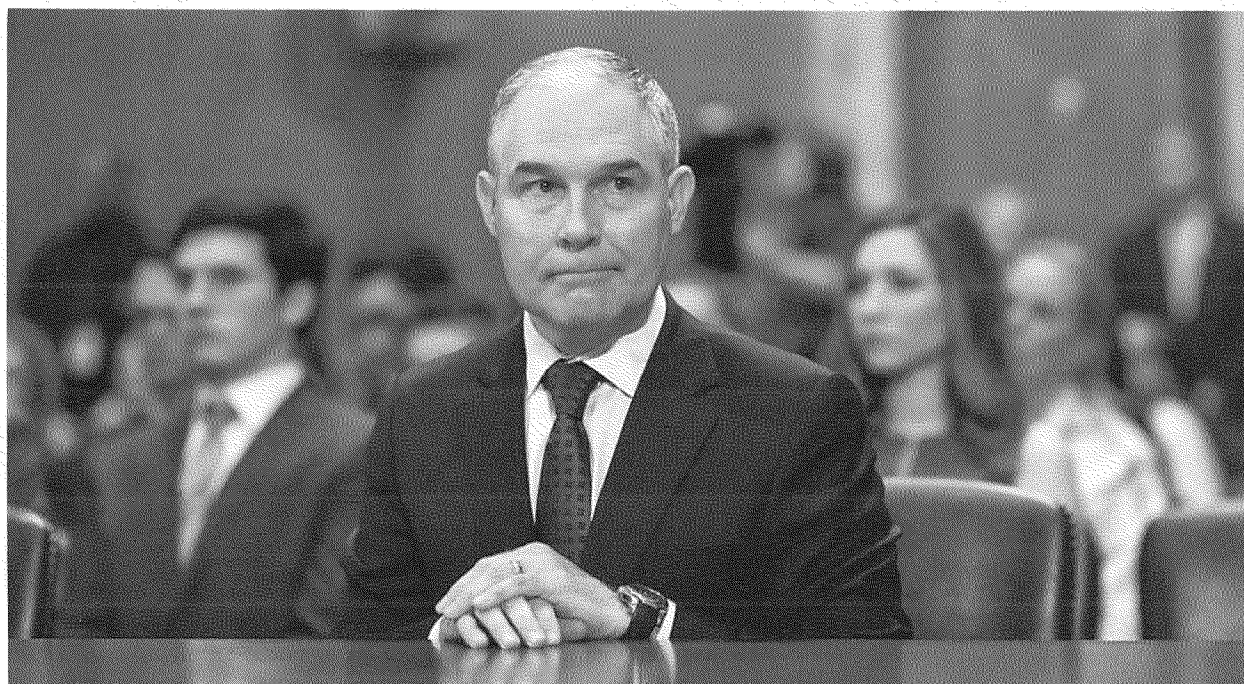


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Scott Pruitt has been targeted by greens for his ties to the oil and gas industry, which has been a major contributor to PACs backing him. | John Shinkle/POLITICO

## EPA nominee Pruitt survives Democrat assault

By **ALEX GUILLÉN**, **ELANA SCHOR** and **ANNIE SNIDER** | 01/18/17 10:51 AM EST | Updated 01/18/17 07:58 PM EST

Democrats barraged Scott Pruitt on Wednesday, hitting the Environmental Protection Agency nominee on climate change and his ties to the oil and gas industry, but they landed few hits and appear to have little chance of slowing his march to confirmation.

That's because Pruitt — the Oklahoma attorney general who has sued the Obama EPA several times, including over its marquee climate regulations — can lose at least two GOP votes and still win Senate approval.

His measured support for federal biofuels policy during his Wednesday confirmation

hearing, as well as his sterling reputation among conservatives who see him as a champion to rein in EPA's powers, are helping smooth his path to approval despite Democratic attempts to undercut him as a tool of fossil-fuel producers.

Pruitt's leading role with the Republican Attorneys General Association, which he helped grow to a fundraising and political powerhouse with corporate support, fueled the most intense Democratic attacks during the more than six-hour hearing in the Senate environment committee.

Sen. Sheldon Whitehouse (D-R.I.) probed Pruitt repeatedly on RAGA's fossil-fuel industry backing, pressing him to defend private meetings held at one of the group's retreats with major energy interests, including Murray Energy, Southern Co. and American Fuel & Petrochemicals Manufacturers.

"These meetings take place all the time," Pruitt told Whitehouse, countering that there are similar groups of Democratic AGs and Western states' AGs active on policy matters.

Democrats asked Pruitt to commit to recuse himself from work on some of the 14 issues where he led Oklahoma in lawsuits against EPA, but he would only abide by a narrower agreement that's been blessed by a veteran agency ethics official. Under that agreement, EPA has determined that RAGA or its nonprofit policy arm, the Rule of Law Defense Fund, would have to actually be a party to a lawsuit or action involving EPA in order to trigger a conflict-of-interest authorization requirement, Pruitt told Whitehouse on Wednesday.

Whitehouse argued that ethics laws are not equipped to avoid potential conflicts over "dark money" fundraising groups that have proliferated in the wake of the Supreme Court's 2010 *Citizens United* decision.

"The whole purpose of advice and consent and the reason there are these government ethics filings is so that we can address this exact question" of ethical conflicts, Whitehouse said.

Pruitt also told Whitehouse that he did not directly ask any of three major fossil-fuel companies -- Koch Industries, Murray Energy, and Devon Energy -- to donate to RAGA.

However, a top Pruitt aide asked for Devon executives' help in getting the American Petroleum Institute to become a contributing member of the group, according to a February 2012 email from Pruitt aide Crystal Drwenski to Devon executives A.J. Ferate

and Bill Whitsitt.

Drwenski wrote in the email, a copy of which was obtained by POLITICO, that RAGA had tapped Pruitt to “play a leadership role” on “policy matters affecting the energy industry.” She asked the Devon executives to “make an introduction on our behalf” to a leader at API, the oil and gas industry’s top lobbying group.

Pruitt also attempted on Wednesday to reassure Democrats that he believes the climate is changing and that human activity is a factor in it. But he said the extent of human impact on the planet’s temperature and how to address the problem is up for debate, aligning with several other Trump nominees in an answer that runs counter to the scientific consensus that manmade pollution plays a significant role in global warming.

Republicans have hailed Pruitt’s ascension under Trump, particularly conservatives who say President Barack Obama’s EPA has vastly overreached with air and water regulations that attempt to implement policies they say only Congress has the authority to make.

Here are highlights of the hearing in the Senate Environment and Public Works Committee:

**Pruitt: My opinion on climate change is ‘immaterial’**

An exchange on climate change between Pruitt and Sen. Bernie Sanders drew scoffs from the Vermont independent.

“The climate’s changing and human activity contributes to that in some manner,” but the degree of that contribution is “subject to more debate,” Pruitt said in response to questioning from Sanders, Pruitt also acknowledged that climate change is not a hoax, as President-elect Donald Trump has contended, and he said the EPA administrator’s job is to carry out the law as set by Congress.

But Sanders interrupted to ask his personal opinion of the science.

“My personal opinion is immaterial,” Pruitt said.

“Really?” Sanders replied. “You are going to be the head of the agency to protect the environment and your personal feelings about whether climate change is caused by human activity and carbon emissions is immaterial?”

“I believe that the administrator has a very important role to perform in regulating

CO<sub>2</sub>," Pruitt said.

### **Pruitt defends sending oil company-authored letter**

Pruitt today told senators that he sent a 2011 letter about oil and gas industry emissions of methane — the key component of natural gas and a potent greenhouse gas — on behalf of his state, not for Devon Energy, the Oklahoma company that largely wrote the letter.

Democrats have seized on Pruitt's decision to send the Devon-authored letter, first reported in 2014 by The New York Times, as a sign of Pruitt's allegiance to the fossil-fuel industry over public health needs. Pruitt insisted under questioning from Sen. Jeff Merkley (D-Ore.), however, that his adoption of Devon's argument was "not sent on behalf of any one company," but on behalf of the entire "oil and gas industry that is vibrant to our state."

EPA's methods of estimating methane emissions from oil and gas wells "was a concern expressed by that industry," Pruitt said. "It was the position of the state, not the position of any one company."

Sen. Cory Booker (D-N.J.) followed that exchange by challenging Pruitt to specify the number of Oklahoma children suffering from asthma, which Donald Trump's EPA pick could not do. Booker put the figure at more than 100,000.

"How many letters did you write to the EPA about this health crisis?" Booker said, referring to the childhood asthma that Democrats and green groups connect with industry pollution. "If this is representative government, did you represent those children?"

### **Pruitt changes view on Chesapeake clean-up deal**

Pruitt said that if approved by the Senate, he would enforce a multi-state Chesapeake Bay cleanup plan arrived by the Obama EPA with the region's states, despite having previously sued to block the effort as Oklahoma attorney general.

Pruitt said that he initially had concerns about the precedent that the cleanup plan would set, particularly with respect to the Mississippi River basin, but that "through that litigation the EPA acknowledged their role was more informational."

"I really want to emphasize to you, that process represents what should occur, for states

to join together and reach an agreement to address water quality issues and involve the EPA to serve the role it's supposed to serve," Pruitt said at his confirmation hearing today.

The landmark Chesapeake Bay plan sets pollution reduction targets across the 64,000-square-mile watershed and relies on EPA's powers to pressure states to follow through. Farm groups and developers fiercely opposed the Bay cleanup plan, and challenged it in court, although the Supreme Court declined to take up the case, leaving it in place.

### **Better record at the ballpark?**

Newly elected Sen. Kamala Harris (D-Calif.) questioned Pruitt about his record in court on the cases he had filed against the EPA — and Harris, a former California attorney general, used a baseball analogy, asking the nominee about his batting average.

"About .300," the former college baseball player answered, "which is good for a second baseman."

But Harris was unimpressed, saying his record in court against the EPA was far lower: ".142 by my calculation," she deadpanned, noting that he had lost 6 of the 7 settled cases.

### **Mercury rising**

Pruitt today said he believes mercury is a dangerous substance that should be regulated under the Clean Air Act — although he signed on to a major lawsuit against an Obama administration rule that aimed to reduce emissions from power plants.

"There was no argument we made as states that mercury was not a hazardous air pollutant," Pruitt told lawmakers today. "I agree ... that mercury is something that's very dangerous to our environment and should be regulated under Section 112" of the Clean Air Act.

Pruitt and various state and industry challengers argued in a 2012 court brief that regulating mercury emissions from power plants under the Clean Air Act "is authorized only if EPA were to determine that" power plant emissions alone risk "serious adverse effects to the public health."

### **Barrasso: EPA's 'failed leadership'**

Committee Chairman John Barrasso (R-Wyo.) opened the hearing by criticizing the

agency's "failed environmental leadership" under President Barack Obama, which he argues contributed to two environmental disasters — the Flint, Michigan, lead-contamination water crisis and the Gold King mine spill in Colorado.

"Those disasters hurt people, many from low-income and minority communities who can least afford it," Barrasso said.

"Clearly a change is needed," he added. "Any new administrator of the Environmental Protection Agency needs to protect the environment in a responsible way that doesn't ignore the good work that states do to protect their air, land and water, as well as their economies."

### **Pruitt promises to curb EPA role**

Pruitt addressed conservatives' complaints about the EPA, promising lawmakers that under his leadership, the agency would stop "picking winners and losers," according to prepared remarks.

He also accused the agency of overstepping its power, saying it had "bootstrapped its own powers and tools through rulemaking" that had triggered protracted litigation and that he would rely on the states rather than federal officials to be "our nation's front-line environmental implementers and enforcers."

Farmers, ranchers and small business owners have felt "hopeless, subject to a never ending torrent of new regulations that only a lawyer can understand," Pruitt's remarks said. "They fear the EPA, and that just shouldn't be the case. If confirmed, I will work tirelessly to ensure that the EPA acts lawfully, sensibly, and with those hardworking Americans ever in mind."

### **Carper: Pruitt's views are troubling**

Sen. Tom Carper, the top Democrat on the committee, indicated he is leaning against approving Pruitt, marking the second time the Delawarean has opposed a nominee for EPA administrator.

"Too much of what I've seen of his record on the environment and his views about the role of the EPA are troubling and, in some cases, deeply troubling," Carper said. In 2005, Carper voted against George W. Bush's nominee for his third EPA administrator, Stephen Johnson. Carper said at the time that he opposed Johnson because the Bush administration was allegedly blocking studies of power plant pollution, according to The New York Times.